Supreme Court, U.S.
FILED
MAY 19 1995
OFFICE OF THE CLERK

942070

IN THE

Supreme Court of the United States

October Term, 1994

JOHN A. LANGDALE, PETITIONER

v

HUNTERDON COUNTY AND COMMUNITY CARE ASSOCIATION OF HUNTERDON, RESPONDENTS

On Petition For Writ Of Certiorari To The New Jersey Supreme Court (Docket #38,972 Denial Of Petition For Certification)

PETITION FOR WRIT OF CERTIORARI

JOHN A. LANGDALE, PETITIONER, PRO SE
702 WEST MAIN STREET (APT. 3)
ELIZABETH CITY, NC 27909

3298

QUESTIONS PRESENTED FOR REVIEW

Should a two-year statute of limitations on Workers' Compensation claims in New Jersey be applied in cases where an employer is quite possibly guilty of having misrepresented the processing of a claim so as to delay and destroy it by that very statute of limitations?

New Jersey Statute 34:15-51. Claimant required to file petition within two years; contents; minors

Every claimant for compensation under Article 2 of this chapter (§34:15-7 et seq.) shall, unless a settlement is effected or a petition filed under the provisions of 34:15-50 of this Title, file a petition in duplicate with the division in Trenton, within 2 years after the date on which the accident occurred, or in case an agreement for compensation has been made between the employer and the claimant, then within 2 years after the failure of the employer to make payment pursuant to the terms of such agreement; or in case a part of the compensation has been paid by the employer, then within 2 years after the last payment of compensation except that repair or replacement of prosthetic devices shall not be construed to extend the time for filing of a claim petition . . . .

Does not such a statute of limitations, when applied even in cases of employer fraud, abet the employer's chicanery and abridge a citizen's right to compensation for work-related injuries, this violating The Constitution of The United States at Amendment XIV?

And where a trail judge further errs by eight (8) years as to the date when employer misrepresentation and obstruction were discovered, should not the appellate levels have corrected so gross a miscalculation below when so critical in determining the date upon which statutory deadline fell?

PETITION FOR WRIT OF CERTIORARI

RULINGS BELOW

Brevity is served by focusing on court decrees rather than petitioner-plaintiff's history, catastrophic damages, and allegations that, after a disabling work accident, the employer-respondents obstructed his Workers' Compensation claim beyond a strict New Jersey two-year statute of limitations thereby deceiving this petitioner and defrauding him of disability benefits. Said court decrees are as follows since petitions of exemplary succinctness are exempted from indexes:

APPENDIX 2
A. Supreme Court of N.J.'s denial of petition for certification (p. A-2 herein)
B. N.J. Appellate Division's decision and opinion affirming below (p. A-3 - A-7)
C. Two orders of dismissal issued by Hunterdon County's court (p. A-9 - A-11)

JURISDICTION

The order appealed from at Appendix 2A was filed on February 28, 1995 making this May 17, 1995 filing timely (cf. Appendix 1).

28 USC 1257 stipulates, "Final judgments or decrees rendered by the highest court of a State in which a decision could be had may be reviewed by the Supreme Court as follows: (3) By writ of certiorari . . . where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution . . . ."

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

New Jersey Statute 34:15-51 leaves applicants twenty-four (24) months from the date of their work accident to file a claim, initially with their employer or, next, with the Division of Workers' Compensation. Because NJS 34:15-51 apparently provides for absolutely no exceptions, Hunterdon County's judge could bar this claim first and foremostly by NJS 34:15-51 (at Appendix 2C, Point 2, here p. A-10) despite the charge of employer fraud.

So, as it reads, NJS 34:15-51 begs abuse by unscrupulous employers: Monstrous though it be, employers can feign the processing of a claim with impunity as long as they can delay it beyond NJS 34:15-51's deadline. When any statute immunizes a guilty party, exactly at that point the Public welfare is being trashed by its own body of Law dishonoring the Preamble's guarantee; and exactly there Amendment XIV, Section 1 is also being assaulted ("No State shall make or enforce any law which shall abridge the privileges . . . of citizens . . . .").

NJS 34:15-51 is, therefore, repugnant to the Constitution unless it is amended to suspend its deadline in cases of fraudulent claim obstruction committed by an employer.

As far as petitioner could ascertain by contacting The New Jersey Supreme Court's clerk, no certification is made to its Attorney General regarding a State statute's constitutionality being questioned unless the State itself is a party, this in the event United States Supreme Court Rule 29.4(c) and 28 USC 2403(b) are applicable.

STATEMENT OF THE CASE

Broken by work accident and employer-respondents' avowed malfeasances, reduced thereby to abject poverty, Petitioner Dr. Langdale went before your United States District Court for The District of Columbia in 1989. After Hunterdon County repudiated The Court's jurisdiction, ordered there were respondent's dismissal and remand to The Social Security Administration.

Prosecution was taken into Hunterdon County, petitioner charging respondents with trying to kill his Workers' Compensation claim by obstructing it beyond an actively concealed 24-month statutory limit. Whereas employer-respondents had full knowledge (in their receipt of a police accident report, records of dwindling work hours, petitioner's resignation letter citing disability, etc.) and whereas employer-respondents found themselves undeniably applied to well prior to NJS 34's October, 1979 deadline, it was proven below by Appendix 4 here (p. A-19) that respondents at very least violated NJS 17:29B-4(9).

The pith of what ensued is Appendix 2. Refusing to recognize any application whatsoever to the employer as sufficient, Hunterdon's court insisted NJS 34:15-51 requires an injured worker apply directly to the State's Division of Workers' Compensation within 24 months regardless of whether the employer is guilty of criminal misrepresentation, regardless that such contributes to a claimant's illness, regardless of mental disorder. The same county judge foiled prosecution of respondents by entering an eight (8) year error into the record, documented here by Appendix 5, this despoiling the right to prosecute under NJS 2A: 14-1.

That eight-year error was shown to the Appellate Division while the constitutionality issue was first raised with New Jersey's Supreme Court.

BEST AVAILA

ARGUMENT

Whereas, until amended so as not to bar claims whose processing was employer-obstructed, NJS 34:15-51 will persist in its fiendish inequity and recalcitrant repugnance to the Constitution, a writ should issue pursuant to 28 USC 1257. Once Hunterdon's court's citation of NJS 34:15-51 is recognized as unconstitutional, then its eight-year error as to when employer misrepresentation came to light becomes fatal to its order, by NJS 2A:14-1 a 1989 discovery deserving trial to this very day.[1]

Whatever the excuses below, working New Jerseyites have now a millstone hung around their necks; within what was supposed to be a compassionate law, there exists this statute now carved in stone which both abets and immunizes harmful employers who defraud their work-injured victims. A Federal message must be sent employed Americans: their rights shall triumph over those fat-cat predators wishing to get away with mayhem and murder else the economic backbone of at least New Jersey -- its workforce -- will be broken as all vestiges of master-servant good faith are made mockery of.

In conclusion, though presumptuous under circumstances less extreme, this petition respectfully proposes there is an ethical duty to intercede here by the Law at 28 USC 1257, out of fear for our Constitution's sovereignty, and from both moral outrage and a humane concern for the wellbeing of America's workers.

Under 28 USC 1332, remand to a United States District Court is begged so as to spare this proceeding from contamination by local favoritisms.

Dated: May 9, 1995 John A. Langdale, Petitioner, Pro Se

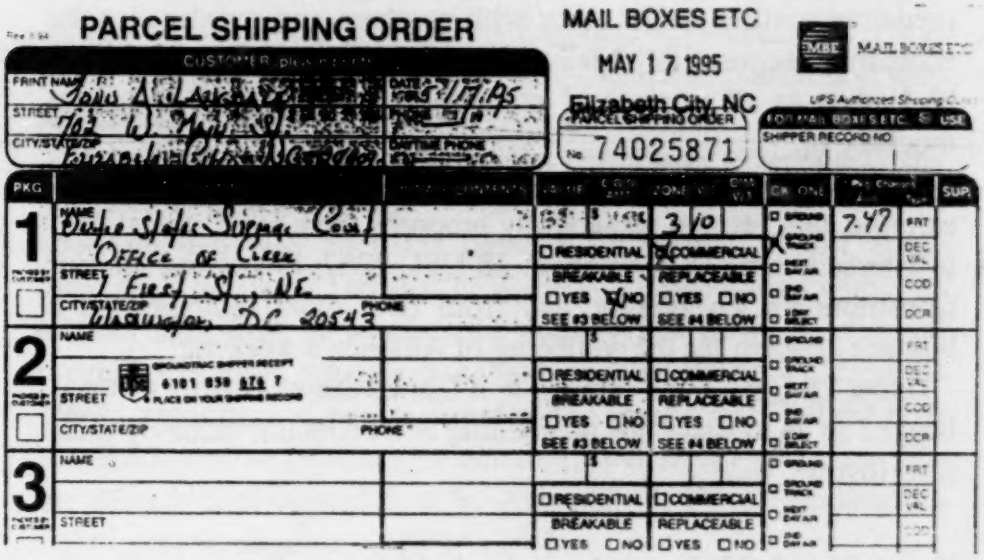
1 NJS 2A: 14-1's six year statute of limitations does not begin to run until any malfeasance is uncovered from its concealment (Sun Building & Loan Ass'n of Newark v. Rashkes, 119 N.J.Eq. 443, 183 A. 274; Patrice v. Groves, 115 N.J.Eq. 208, 169 A. 701; French v. U.S. Fidelity & Guarantee Co., D.C., 88 Fed. Supp. 714; Kohler v. Barnes, 123 N.J.Sup. 69, 301 A.2d 474; Joseph v. Lesnevich, 56 N.J.Sup. 340, 153 A.2d 349).

LE COPY

APPENDIX 1

PROOF OF TIMELY FILING

Whereas Rule 13 of The Supreme Court of The United States allows 90 days after the entry of judgment, that judgment entered on the 27th day of February, 1995 (cf. Appendix 2A, p. A-2), the proof of mailing below establishes timeliness of this filing.


PARCEL SHIPPING ORDER

MAIL BOXES ETC

MAY 17 1995

Elizabeth City, NC

MBE MAIL BOXES ETC

PARCEL SHIPPING ORDER No 74025871

UPS Authorized Shipping Outlet

FOR MAIL BOXES ETC. USE

SHIPPER RECORD NO.

CUSTOMER please print

PRINT NAME: John A. Arnold

STREET: 702 W. Main St.

CITY/STATE/ZIP: Elizabeth City, NC 27909

DATE: 5-17-95

PHONE

DAYTIME PHONE

PKG							
1	NAME: United States Supreme Court Office of Clerk STREET: 1 First St., NE CITY/STATE/ZIP: Washington, DC 20543 PHONE		$	3 10	☐ RESIDENTIAL ☒ COMMERCIAL BREAKABLE ☐ YES ☒ NO SEE #3 BELOW REPLACEABLE ☐ YES ☐ NO SEE #4 BELOW	☒	7.47
2	NAME 6101 830 874 7 STREET CITY/STATE/ZIP PHONE		$		☐ RESIDENTIAL ☐ COMMERCIAL BREAKABLE ☐ YES ☐ NO SEE #3 BELOW REPLACEABLE ☐ YES ☐ NO SEE #4 BELOW	☐	
3	NAME STREET		$		☐ RESIDENTIAL ☐ COMMERCIAL BREAKABLE ☐ YES ☐ NO REPLACEABLE ☐ YES ☐ NO	☐	

APPENDIX 2A

SUPREME COURT OF NEW JERSEY
C-599 September Term 1994
38,972

JOHN A. LANGDALE,
Plaintiff-Petitioner,

v. ON PETITION FOR CERTIFICATION

HUNTERDON COUNTY and COMMUNITY CARE ASSOCIATION OF HUNTERDON COUNTY,
Defendants-Respondents. Filed Feb. 28, 1995

APPENDIX 2

To the Appellate Division, Superior Court:

A petition for certification of the judgment in A-5941-91 having been submitted to this Court, and the Court having considered the same;

It is ORDERED that the petition for certification is denied, with costs.

WITNESS, the Honorable Robert N. Wilentz, Chief Justice, at Trenton, this 27th day of February, 1995.

s/Stephen Townsend
CLERK OF THE SUPREME COURT

APPENDIX 2B
APPELLATE DIVISION DECISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-5941-91T3

JOHN A. LANGDALE,
Plaintiff-Appellant,

v.

s/ R. Emille Cox
Clerk

HUNTERDON COUNTY and COMMUNITY CARE ASSOCIATION OF HUNTERDON COUNTY,
Defendants-Respondents.

Filed May 26 1994

Submitted: April 27, 1994 - Decided: May 26, 1994

Before Judges Havey and A.M. Stein.

On appeal from the Superior Court of New Jersey, Law Division, Hunterdon County.

John A. Langdale, appellant pro se.

Gebhardt & Kiefer, attorneys for respondent Hunterdon County (Judith A. Kopen on the brief).

McDonough, Korn & Eichhorn, attorneys for respondent Community Care Association of Hunterdon County (James R. Korn, of counsel; Anthony M. Tracy on the brief).

PER CURIAM

The order of the Law Division entering summary judgment in favor of defendants dated May 15, 1992, is affirmed substantially for the reasons set forth by Judge Bernhard in his oral opinion of May 1, 1992.

Affirmed.

s/ R. Emille Cox
Clerk

NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE COMMITTEE ON OPINIONS

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-5941-91T3

JOHN A. LANGDALE,
Plaintiff-Appellant,

v.

HUNTERDON COUNTY and COMMUNITY CARE ASSOCIATION OF HUNTERDON COUNTY,
Defendants-Respondents.

Filed May 26, 1994

s/ R. Emille Cox
Clerk

Submitted: April 27, 1994 - Decided: May 26, 1994

Before Judges Havey and A.M. Stein.

On appeal from the Superior Court of New Jersey, Law Division, Hunterdon County.

John A. Langdale, appellant pro se.

Gebhardt & Kiefer, attorneys for respondent Hunterdon County (Judith A. Kopen on the brief).

McDonough, Korn & Eichhorn, attorneys for respondent Community Care Association of Hunterdon County (James R. Korn, of counsel; Anthony M. Tracy on the brief).

PER CURIAM

The order of the Law Division entering summary judgment in favor of defendant Community Care Association of Hunterdon County dated May 15, 1992, is affirmed substantially for the reasons set forth by Judge Bernhard in his oral opinion of May 1, 1992.

By prior order dated November 8, 1991, Judge Bernhard entered summary judgment in favor of defendant Hunterdon County because plaintiff was not a county employee. The basis for plaintiff's assertion that he was an employee of Hunterdon County at the time of the accident is because the 1980 Flemington telephone directory listed the Community Care Association of Hunterdon under the general Hunterdon County listings.

The judge's explanation for dismissing Hunterdon County is not available because the tape used to record the hearing could not be transcribed because it was blank.

Hunterdon County's moving papers included the certificate of incorporation of the Community Care Association of Hunterdon. Hunterdon County is not mentioned in the certificate of incorporation. Defendant also provided an uncontradicted affidavit of John W. Anaya who is the president of the Community Care Association of Hunterdon. In the affidavit, Anaya explained the origin of the Association.

In 1975, the Hunterdon County Board of Freeholders named a committee consisting of private citizens whose purpose was to study nursing home concepts. In February 1976, the committee named itself the Community Care Association of Hunterdon. In November 1976, the Association incorporated as a non-profit corporation. Since its inception, the Association has been a private charity dedicated to serving the needs of the elderly in the county.

FLEMINGTON PHONE DIRECTORY (1980)

.996-4725	Corrl Prntg Unit	782-4747
996-4672	Hunterdon County Democratic Committee	
996-4020	17 Bloomfld Av	782-1441
537-2545	Hunterdon County Garage W Main	638-6698
534-2307	Hunterdon Cnty Historical Socty	
537-2963	114 Main	782-1091
638-6045	Hunterdon County Legal Service Corp Atty	
534-4297	123 Main	782-7979
782-6956	HUNTERDON COUNTY MULTIPLE LISTING	
534-2240	SERVICE West Main St	782-1770
879-6261	HUNTERDON COUNTY NATIONAL BANK	
236-2926	Hunterdon Shopping Center Ofc	782-2616
.534-4297	Frenchtown Ofc 21 Bridge	782-2616
832-7879	High Bridge Ofc 40 Main	638-6195
.782-5568	Clinton Ofc Union Twp	782-2616
735-9200	Maintenance Sta Ofc Hwy 22	782-2616
782-3196	Lambertville Ofc	782-2616
.782-7066	Stockton Ofc	782-2616
.236-6259	Holland Twp Ofc Milfo	995-4168
.782-5397	Hwy 31 Ofc	782-2616
.534-9153	90 Main Ofc	782-2616
.782-1282	Hunterdon County Offices Main	782-4300
.735-6645	Or Call	788-1100
.876-9081		
.735-8396	**MOST COUNTY OFFICE NUMBERS BEGIN WITH 788.**	
.996-2535		
.735-8061		
	Adjuster	788-1142
.782-7443	Adult Education	788-1405
	Agriculture	788-1338
.782-8382	4-H Youth Development	788-1340
996-4132	Home Economic Agents	788-1342
.236-2010	Alcohol Treatment Center	782-3909
.735-5905	Audio Visual Aids	788-1425
735-8415	Board Of Elections	788-1193
ins	Board Of Chosen Freeholders	788-1102
.782-7827	Board Of Taxation	788-1173
	Buildings & Maintenance	788-1112
782-9597	Civil Defense	788-1176
	Community Care Association of	
782-3855	Hunterdon	782-4541
	County Clerk-General	788-1221
782-2090	County Clerk-Offices	
	Chancery Div & Matrimonials	788-1215
788-1648	District Court	788-1216
	Elections	788-1180
832-2104	Grand Jury Court Clerk	788-1217
537-2233	Index & Search Room	788-1217
	Juvenile & Domestic	788-1216

The Association is not associated with or a part of any governmental agency. Other than a telephone directory that lists the Community Care Association of Hunterdon under the general Hunterdon County listings,[1] plaintiff has not provided any support for his contention that he was a Hunterdon County employee.[2]

The judge's conclusion that plaintiff was not a Hunterdon County employee is supported by substantial credible evidence in the record. R. 2:11-3(e) (1) (A); Rova Farms Resort, Inc. v. Investors Ins. Co., 65 N.J. 474, 484 (1974). There was no real issue as to any material fact and defendant Hunterdon County was entitled to summary judgment. Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 75 (1954).

The other contentions raised by plaintiff are clearly without merit.[3] R. 2:11-3 (e) (1) (E).

Affirmed.

s/ R. Emille Cox
Clerk

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[1] In order to reconstruct the missing court transcript, petitioner outlined for the Appellate Division his arguments supporting the County's legal responsibility for the Association: That it was incorporated only to protect the County from legal suits arising out of the Association's operation of a County nursing home, that the County was its sole creator, created so the County could avail itself of the use of Large Foundation funds from which the County itself was barred, that the County appointed all its members, assigned one of its elected officials to the Association as advisor, created it ad hoc to establish the need for a County nursing home, so it was in the undivided service of the County, that the County supplied it with office space, phone, etc., it in every detail of size and relative financial worth dependent upon its County parent.

[2] Ergo, this is, generously, a serious oversight.

[3] The other contentions were the trail judge's eight-year error as to when fraud was discovered and the County's new counsel's failure to file substitution papers. No indica-

APPENDIX 2C

DISMISSAL OF HUNTERDON COUNTY BY THE HUNTERDON COUNTY SUPERIOR COURT, COURT OF FIRST INSTANCE (11/8/91)

DISMISSAL OF THE IMMEDIATE EMPLOYER, COMMUNITY CARE ASSOCIATION OF HUNTERDON COUNTY, BY THE HUNTERDON COUNTY SUPERIOR COURT (5/15/92)

COUNTY DISMISSAL

GEBHARDT & KIEFER
21 Route 31
CN 4001
Clinton, NJ 08809
(908) 735-5161
Attorneys for Defendant

Filed Nov. 13, 1991

JOHN A. LANGDALE, Plaintiff(s), v. COUNTY OF HUNTERDON, et al Defendant(s).	SUPERIOR COURT OF NEW JERSEY LAW DIVISION HUNTERDON COUNTY DOCKET NO. HNT L 272 90 CIVIL ACTION ORDER

This matter having been brought before the Court by Gebhardt & Kiefer, attorneys for the Defendant, County of Hunterdon, on a motion for Summary Judgment and the Court having reviewed the moving papers and any opposing papers filed thereto, and for good cause shown;

It is on this 8th day of November, 1991, ORDERED that Defendant's motion for Summary Judgment be and is hereby granted and all claims against defendant in the above captioned matter are hereby dismissed, with prejudice; and

IT IS FURTHER ORDERED that a copy of this Order be served upon all parties to this action within seven (7) days of the date hereof.

s/ Edmund R. Bernhard, J.S.C.

ASSOCIATION DISMISSAL

McDONOUGH, KORN & EICHHORN
A Professional Corporation
555 Westfield Avenue, P.O. Box O
Westfield, New Jersey 07091
(908) 233-9040
Attorneys for Defendant, Community Care Association of Hunterdon County

Filed May 15 1992

JOHN A. LANGDALE, Plaintiff, vs. COMMUNITY CARE ASSOCIATION OF HUNTERDON, Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: HUNTERDON COUNTY DOCKET NO. HNT L 272 90 CIVIL ACTION ORDER GRANTING SUMMARY JUDGMENT TO DEFENDANT, COMMUNITY CARE ASSOCIATION OF HUNTERDON COUNTY

JUDGE: Honorable Edmund R. Bernhard, J.S.C.
DATE OF MOTION: Friday, May 1, 1992 at 9:00 a.m.
PARTIES PRESENT OR REPRESENTED: John A. Langdale, appearing pro se, and Anthony M. Tracy, Esq., appearing on behalf of defendant, Community Care Association of Hunterdon County.

ORDERED:

1. That the various submissions of the plaintiff setting forth his account of the facts underlying this matter are hereby recognized as certifications in opposition to the defendant's motion for summary judgment.
2. That summary judgment is hereby granted in favor of defendant, Community Care Association of Hunterdon County, dismissing with prejudice the plaintiff's claim for worker's compensation as this claim is time-barred under N.J.S.A. 34:15-51[1] and because, pursuant to N.J.S.A. 34:15-49, the Superior

[1] It is argued this paragraph in the order is repugnant to the Constitution, no citation of NJS 34:15-51 acceptable when an employer's misrepresentation and claim obstruction are at issue. NJS 34:15-51 must be amended to suspend itself in such cases.

Court of New Jersey, Law Division, is without jurisdiction over claims for workers' compensation benefits.

3. That summary judgment is hereby granted in favor of defendant, Community Care Association of Hunterdon County, dismissing with prejudice the plaintiff's claim for fraud as the plaintiff has failed to adequately establish that he reasonably relied upon a false representation made by the defendant or agents[2] thereof to his detriment[3] and because such a claim is time-barred under N.J.S.A. 2A:14-1.[4]
4. That the tolling provision of N.J.S.A. 2A:14-21, which permits tolling of certain statutes of limitations where the claimant lacks the ability and capacity, due to mental affliction, to pursue his lawful rights, is inapplicable with respect to the plaintiff's fraud claim as the plaintiff has not shown that he suffered from any psychological afflictions when his cause of action for fraud arose.[5]
5. A copy of this Order shall be served upon John A. Langdale within 7 days of the date of this Order.

DATE OF ORDER: May 15, 1992 s/ Edmund R. Bernhard, J.S.C.

OPPOSED ✓
UNOPPOSED _____

Reasons set forth on the record at the time the motion was argued

[2] Judge Bernhard allowed himself to conclude no reliance was made on defendants'-respondents' misrepresentations by distorting one of petitioner's answers to an interrogatory: Judge Bernhard takes out of context "As regards O'Brien's opinion that fault barred my claim, no." [I did not rely on it] (p. 25, 5/92 transcript) The actual interrogatory at Question 26 reads: "Did you rely on any representations . . .?" and petitioner's answer was, "Absolutely, that the insurance agent was filing a W.C. claim. As regards O'Brien's opinion . . . ."

[3] This Hunterdon trial court was presented with extensive proofs of the degree to which the employer's fraudulent claim obstruction destroyed an entire life and resulted in hundreds of thousands of dollars in real damages.

[4] Please refer to Appendix 5 here laying bare the 8-year error under which this judge was reasoning. Whereas the employer's obstruction and fraud was discovered in 1989, not 1981 as Judge Bernhard mistook, as yet no time bar can be put on petitioner's claim by NJS 2A:14-1, such blatant error calling into question the Appellate Division personnel who affirmed.

[5] The documents that follow in Appendix 3 were given to defense attorneys who composed this order so, quite probably, here is a calculated falsehood to destroy petitioner's right to prosecution under NJS 2A:14-21.

APPENDIX 3

PROOFS OF MENTAL ILLNESS AT THE TIME PETITIONER'S CAUSE OF ACTION WAS ACCRUING

The order dismissing petitioner's immediate employer, the Association, was composed by its counsel who states:

> [P]laintiff has not shown that he suffered from any psychological afflictions when his cause of action for fraud arose. (Point 4 of a 5/15/92 order, here p. A-11)

The documents contained in this appendix were in the possession of those individuals, an Anthony Tracy, Esq. in particular, who authored the above quote.

But respondents' defacement of the evidence is yet worse, they and Hunterdon's court having proofs of petitioner's unemployment since his work accident, an affidavit from the ex-wife indicating neurological/psychiatric care was sought as early as November, 1977, the attempt at another occupation in retail, the failure of that attempt in 1978, Dr. Langdale's wife separating from him in 1978, the loss of all his life savings by 1981, and his fall into abject poverty, his psychiatric commitment (cf. this appendix), biographical evidence confirming a decade of vagrancy thereafter, among which were social-service and medical debts from 1981 until 1990, a number of medical reports diagnosing permanent paranoid schizophrenia, exhibits detailing homes and personal property lost, a certificate of neurological and psychiatric disability signed by petitioner's physician in 1981, and The Social Security Administration's findings of a total disability.

And still that above quote accepted into a court order.

AFFIDAVIT

From: Elizabeth A. Langdale, mother of John A. Langdale
To: Whom it may concern
Re: John A. Langdale's mental condition and cause.
Date: Oct. 25, 1989

Between 1967 and 1984 I was teaching abroad and my contact with John was by letter and yearly home leave visits. In 1977 I began to receive disturbed letters from him and the 1978 home leave was equally disturbing. He was ranting, completely irrational at times, and beginning to distance himself from everybody and everything he ever cared about.

I was told that as a result of his 1977 car accident he had suffered a concussion. The next thing that indicated a problem was his neurologist at the time recommending he change careers given problems with his work. Soon afterwards his life totally fell apart -- loss of reason, business failure, divorce -- and this is what I observed in the summer of 1978. I was at a loss. Why the change?

He went down hill gradually. He went on welfare. Then almost complete withdrawal. In spite of pleas that he seek psychiatric help, he refused saying he was doing nothing wrong; he believed people were out to "get" him even though he was trying to live a good life.

In 1984 he was a derelict. Here was a man who, in 1977, was a successful young professional with a Ph.D.,

his own home, a family. Then, suddenly, this tragedy -- loss of pride, loss of self-esteem, loss of reality, deeply disturbed. Somehow he has managed to survive the mental and physical anguish. How much longer that sense of survival will last, I cannot comprehend.

The first real ray of hope came in 1987 when he turned up in Maimi and went to the Community Mental Health Center. He was recognizing at last the need for professional help albeit sporadic on his part. Then restless, frustrated (symptomatic of his condition) he went to Washington somehow and somehow believed he would find the answer there.

For 12 years he has been mentally ill, confused, and at times his reasoning is channeled into irrational processes. His illness is of such complexity and so deep-seated that it must make diagnosis extremely difficult and lengthy for a professional to probe through the surface appearance of rationality. Because of all this, he has been in no condition to undertake seeking or pursuing his rights in any matter.

What he should have now, as he is surfacing, is to have basic needs met and, above all, a supportive environment and continuing professional help with in-depth treatment.

Since I am retired and living on Social Security (no pension), I can supply none of these things, least of all intensive therapy and a room of his own to help restore some self-esteem. I can

be only his sounding board as attested to by hundreds of letters and give John my constant assurance of my steadfast love.

For years I have agonized over the reason for his condition and always come to the same conclusion. I attribute its onset to that concussion from the accident in 1977 that may have triggered a chemical imbalance in the brain. It is the only explanation I have been able to come up with.

What I have written is just a skeleton of the events. It does not begin to cover the heartbreaking details accompanying a breakdown.

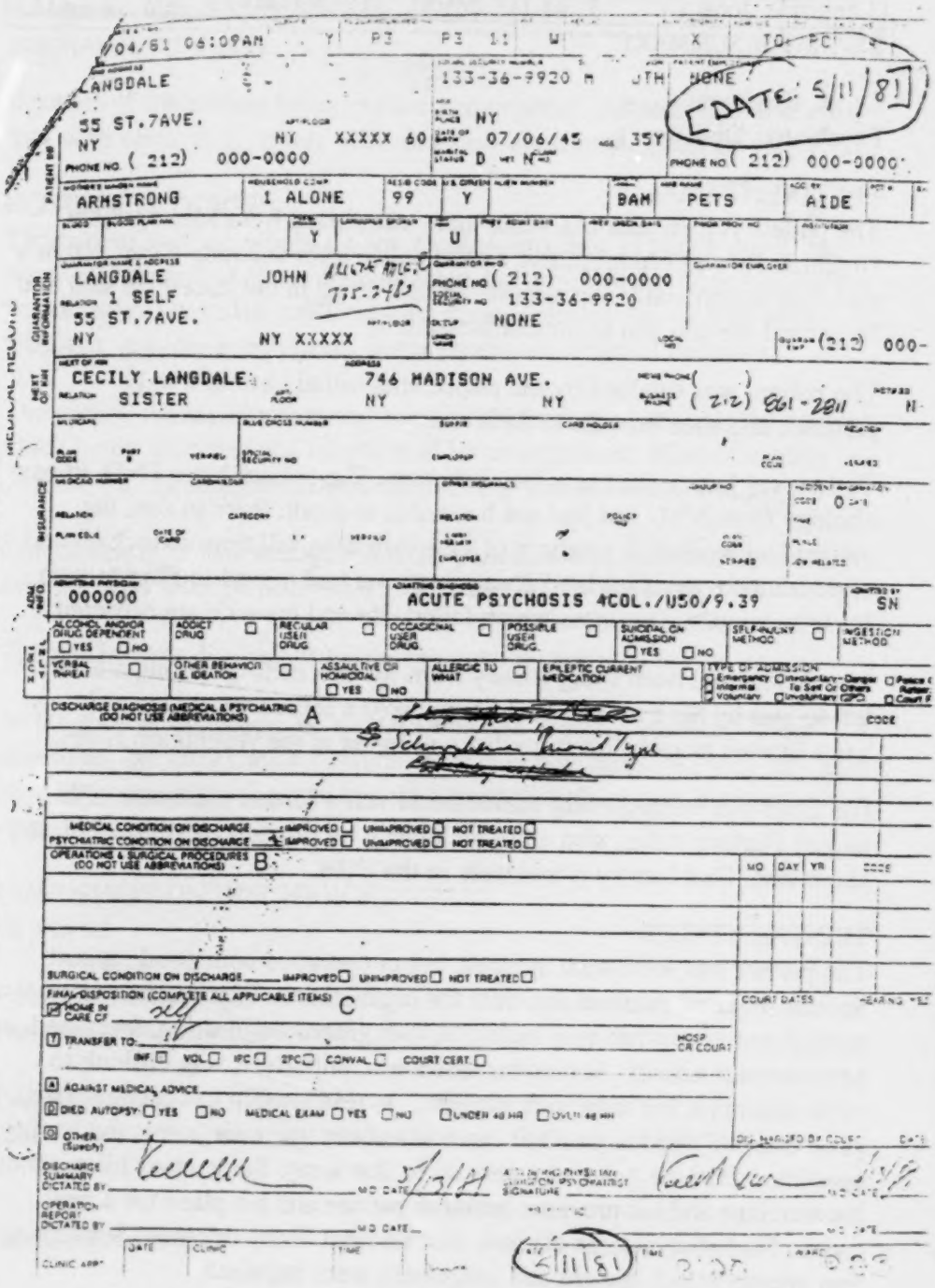
Elizabeth A. Langdale
1215 Whitehead Street
Key West, Florida 33040

County of Monroe
State of Florida

Sworn and subscribed to before me this 25th day of October 1989.

s/ E ---- R ----
Notary Public

RECORD OF 1981 INVOLUNTARY COMMITMENT TO BELLE-VUE PSYCHIATRIC HOSPITAL



Bellevue

PATIENT NAME	AGE	SEX	DATE ADM.	DISH. DATE	WARD	MED. R
Langdale, John		M	5/4/81	5/11/81	P3	811

DISCHARGE SUMMARY

Dr. K. Kirshbaum
Psychiatric Division

PERTINENT DATA:
The patient is a 36 year old white male transferred from Metropolitan Hospital. He was brought there by the police after shooting a cap gun in a taxi, that intentionally had almost run him down in the street. He said that he carried the cap gun to protect himself.

The patient was subdued by the police and initially brought to eh precinct, and then brought to Bellevue.

The patient has no past psychiatric history. The patient has a Ph.D. in psychology from NYU and had not been able to work. Prior to this, the patient had worked at a variety of jobs including full time consultant and organizational psychiatrist. Subsequently, he had moved to Florida with his wife to open a business which failed. He and his wife are divorced.

The patient had been using money from the proceeds of selling a house left to him by his aunt and then having sold a second mortgage and only has a limited amount left from that and living at the Wellington Hotel.

His sister was subsequently contacted as was a former classmate of his named Darlene Adler, also a psychologist who provided additional history about him. That history is available in the chart.

MENTAL STATUS:
The patient was somewhat agitated, but cooperative with good rapport. Speech required external structure for organization. Was at times circumstantial and somewhat over inclusive with grandiose ideation. Increased psychomotor activity. Somewhat histrionic. Initially, it was difficult to elicit delusions, but they were present., in relationship to concerns about good and evil and his previous concerns about star wars, army and having appointed Darlene Adler as a general in that army. Some other ideas about his marriage and his previous business partner and his plans for a new career. No hallucinations elicited. Not suicidal. Fully oriented. Sensorium was grossly intact. Insight and judgement were impaired.

continued . . . .

Bellevue

PATIENT NAME	AGE	SEX	DATE ADM.	DISH. DATE	WARD	MED. R
Langdale, John						

DISCHARGE SUMMARY

Because of the patient being evasive and guarded and selective in his history with distortions, it was difficult to get an accurate point of view.

HOSPITAL COURSE:
The patient was not placed on any medications, and as noted above, his sister and Darlene Adler were contacted and confirmed a deteriorating 3-4 year course. They also confirmed the above delusions as well as some religious, grandiose delusions. Some previously unusual behavior.

The patient remained no management problem in the hospital. He became much better groomed and calmer and better organized. Kind of sealing over any of the original, delusional thinking that one could elicit.

Consequently, it was arranged that the patient would receive outpatient care and was referred ultimately to a doctor at 260-6594.

The patient was discharged to his own custody for such follow up.

At the time of discharge, he was denying and evading questions about delusions, but information from those around him suggested they still may have been present, but not in any way necessitating continuing inpatient care.

CONDITION ON DISCHARGE:
Improved

FINAL DIAGNOSIS:
Paranoid schizophrenia

DISPOSITION:
Discharged in own custody. No medication. Follow up as above.

Dr. Kirshbaum/pf

APPENDIX 4
BELOW IT WAS CLEARLY ESTABLISHED RESPONDENTS BROKE THE LAW

While respondents' answers to subpoenas transparently revealed only those minutes which might have contained mention of petitioner's early 1979 claim application had been purged, the "Confirmation of Interview" here is sufficient to show notice was given well prior to a 10/4/79 statutory deadline. More, as owner of the accident vehicle, respondent-employer received a copy of 1977's accident report here. But more, Treasurer's reports indicate petitioner's inability to work after his accident in drastically reduced work hours and minutes record the Treasurer moving for Dr. Langdale to be switched from full-time to part-time status less than two months after his work accident.

At the very least, then, it was established in Hunterdon's court that respondents violated NJS 17:29B-4(9) most flagrantly at (b) "Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies" and (c) "Failing to adopt and implement reasonable standards for the prompt investigation of claims . . . ."

Please note several irregularities in the "Confirmation of Interview" other than that the interviewer confesses full awareness of a work accident: 1. This employer's administrator points out, twice, his own failure to ascertain the cause of Dr. Langdale's disability; 2. While no effort was made to identify the cause of disability, this interview's total focus, considerable trouble was taken to have every correction initialed betraying a larger than in-house audience was being played to; and 3. No mention is made of the infamous statute of limitations then only four or five months away.

CONFIRMATION OF INTERVIEW DATE 5/20/79

NAME: Charles Suppo, Secretary & Director
ADDRESS: Hunterdon Co Community Care Association

John Langdale was employed on 4/7/76 as
Ex Director, Secretary-Asst Treasurer of the
above organization. Salary was 480.77 weekly
His duties would be determining the needs of
the elderly, would make up reports, do surveys,
visit nursing homes. From 4/76 to the end of 1977
he mainly worked on preparing a report referance(?) the
needs of the elderly. He also had administrative duties
as director -- report to the board of trustees. He would
travel throughout the county. In 12/77 his status
changed from full to part time, took a position as a
consultant. Reason he gave was he was unable to work
full time due to headaches he was suffering, specific cause
not stated. His final pay was 3/28/78. At that
time he resigned, reason was that he was
relocating to Florida to set up a Boutique. He
was also still complaining of headaches was
was suffering which were affecting his work;
could not function when having the headaches.
He did have an auto accident in 11/77, was driving
a company car. I have no records referance (CS) the origin
of (?) headaches xxx xxx xxxxxxxx. CS xxxxx of xxx xxxxxxxxx.
xxxxx. CS
I have read the above, understand it & it is true
Witness s/x Charles Suppo
[?]

CONFIRMATION OF INTERVIEW

CONFIRMATION OF INTERVIEW DATE 2/21/78

NAME: Charles P Lyons Secretary - Director

ADDRESS: Jefferson Co Commissioners Office Louisville

Jim Langdale was employed on 4/1/76 as Executive Secretary - Asst Treasurer of the above organization. Salary was $20,000 annually. His duties would be determining the needs of the elderly, would make application, do surveys and nursing homes. From 4/76 to the end of 1977 he mainly work on preparing a report reference the needs of the elderly. He also had administrative duties as Secretary - agent to the Board of Directors. He would travel through out the county. In 1/77 his duties changed from full to part time, took a position as a consultant. Reason he gave was he was unable to work full time due to headaches he was suffering, quality came out stated. His final pay was 3/24/78. At the time he resigned, reason was that he was starting to Illinois to set up a Boutique. He was also still complaining of headaches were was suffering which were effecting his work, could not function when having the headaches. He had been in an auto accident in which was driving a company car. I have no records reference to the exp. headaches I [illegible] of the headaches.

CB

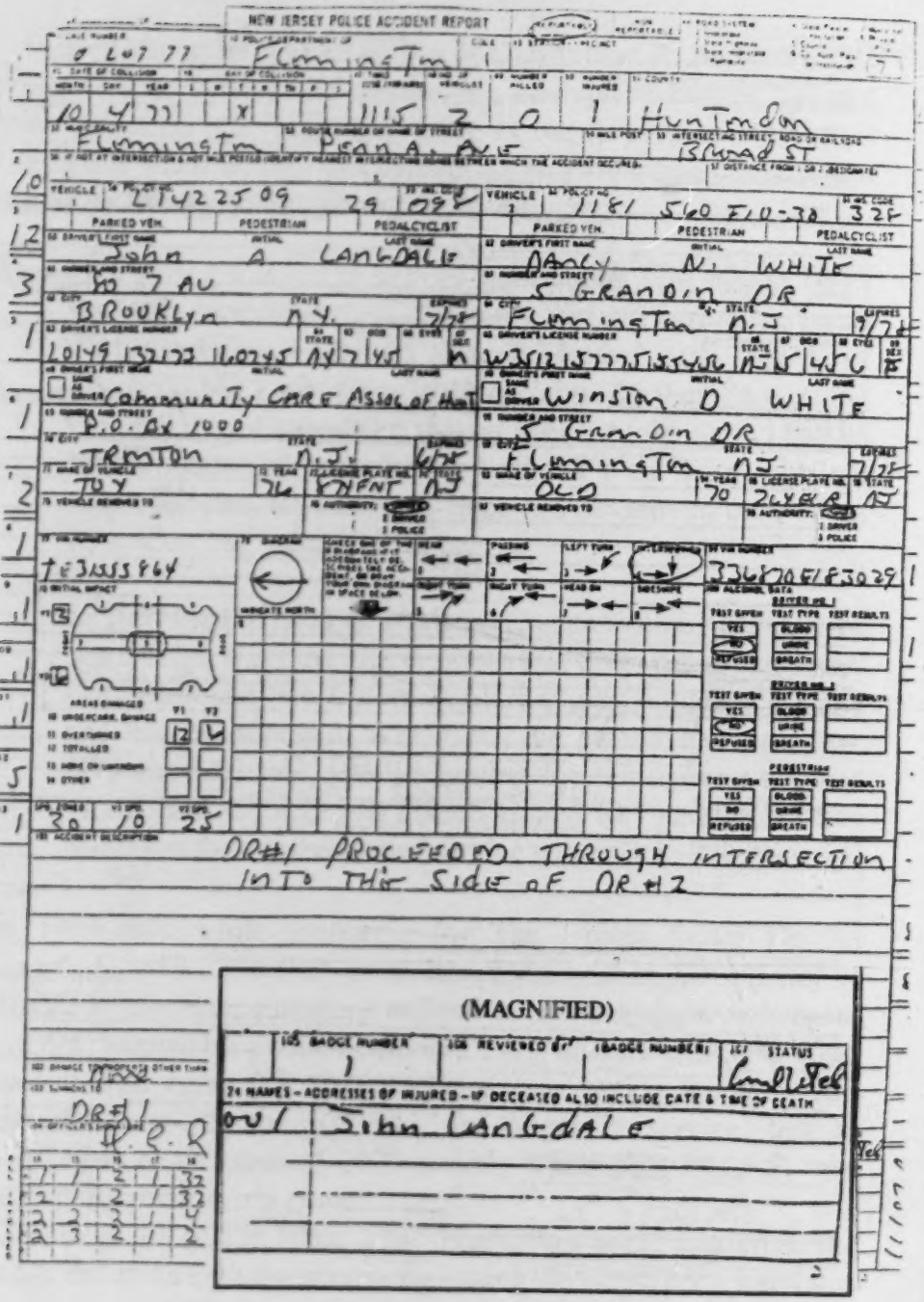
I have read the above, understand I [illegible]

Witness

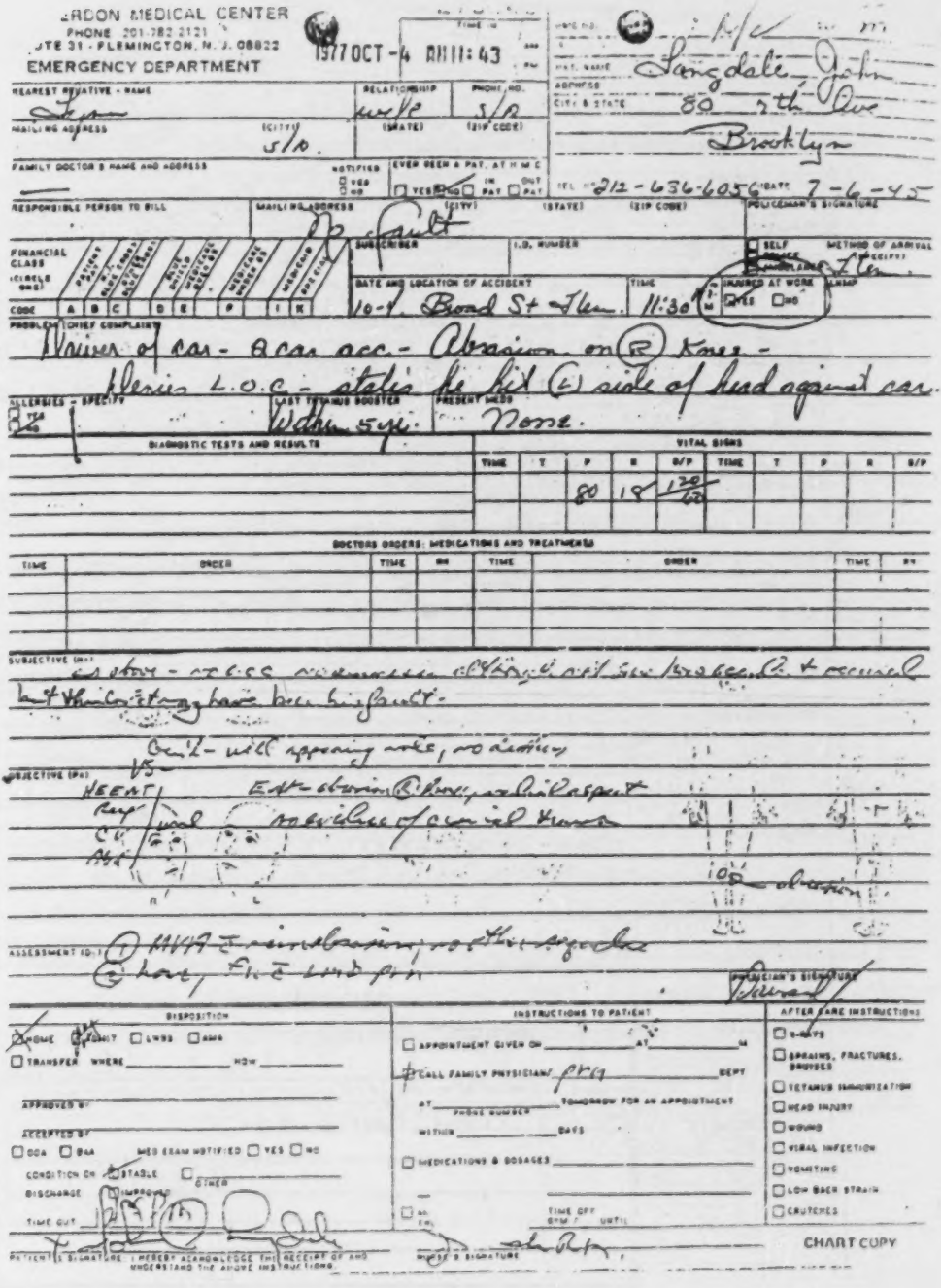
Charles Lyons

[A-21]

POLICE ACCIDENT REPORT
THE EMPLOYER RECEIVED



HOSPITAL EMERGENCY ROOM RECORD



HUNTERDON MEDICAL CENTER
PHONE 201-782-2121
ROUTE 31 - FLEMINGTON, N. J. 08822
EMERGENCY DEPARTMENT

1977 OCT -4 AM 11:43

Langdale, John
80 7th Ave
Brooklyn
212-636-6056
7-6-45

Wife
Same
Wife
Fell
Waiver of car - 8 car acc. - Abrasion on (R) knee - Hx of L.O.C. - states he hit (L) side of head against car.
Within 5 yrs.
None.

VITAL SIGNS
80 18 130/70

Subjective (HPI)
Patient - involved in MVA - was driving car & was struck on (L) side of head by another car. Denies LOC but thinks may have been briefly.
Oriented - well appearing male, no distress

Objective (PE)
VS
HEENT
Neck
CV
Abd
EAC - abrasion (R) knee, no bilat exudate
moderate edema of scalp & forehead
105 - abrasion

Assessment (ICD-9)
1) MVA - minor head trauma, no other injuries
2) abrasion, R knee

Physician's Signature

DISPOSITION
Home
Family
LWBS
AMA
Transfer Where
How
Approved by
Accepted by
DOA
BAA
MED EXAM NOTIFIED YES NO
Condition on
Stable
Other
Discharge
Improved
Time Out
Patient's Signature I HEREBY ACKNOWLEDGE THE RECEIPT OF AND UNDERSTAND THE ABOVE INSTRUCTIONS

INSTRUCTIONS TO PATIENT
Appointment given on at
Call family physician prn dept
at tomorrow for an appointment
phone number
within days
Medications & Dosages
Time off work / school until
Nurse's Signature

AFTER CARE INSTRUCTIONS
X-rays
Sprains, fractures, bruises
Tetanus immunization
Head injury
Wound
Viral infection
Vomiting
Low back strain
Crutches

CHART COPY

APPENDIX 5
PROOF THE HUNTERDON COUNTY COURT MADE AN ERROR OF EIGHT YEARS

In the same interrogatory Hunterdon's Edmund R. Bernhard, JSC misquoted to believe the employer's misrepresentations had not been relied on (cf. footnote 2, p. A-11 here), petitioner makes it very clear when he first discovered his employer had cheated him out of his Workers' Compensation entitlements:

> [I]n 1979 I was led to believe from about 2 or 3/79 to 10/79 that the Association's Chairman's (Jones) insurance agent ("Millbank [sic.-Milbank], Botz & Martin," now "FIRM" of Wyckoff, N.J.) was filing such a claim. So they kept telling me until they disappeared around 10/79. At the time, I had no idea a statute of limitations would fall then. They certainly didn't tell me, for reasons I hope are obvious to both of us. [Question 18]
>
> In 1990 the Division of Workers' Compensation informed me that a claim was never filed. About that time, it was uncovered that "Millbank [sic.], Botz & Martin" was an unlisted entity and that its principal, Wm. Botz, did switch addresses btw. 5/79 and 5/81 [sic.-1980] retaining the same phone number. That meant the recording I heard around 10/79 telling me they had taken the number out of service was a trick. [Question 21]

In 1989-1990 while preparing for The United States District Court's CA#89-2354 JHP, petitioner discovered in The Library of Congress telephone-directory collection that his employer's agent had not changed his phone number in 1979 whereas petitioner's last contact with same was a recorded message saying the agent had relocated and his number was no longer in service, this in September or October of 1979 exactly when NJS 34:15-51 was destroying petitioner's claim.

On page 27 of the May, 1992 Hunterdon court transcript, the judge makes an eight-year error by stating the employer's fraud was discovered in 1981.

APPENDIX 5 (cont'd)

The Hunterdon judge's eight-year error is highlighted in this appendix at page A-27. It is an error fatal to all that judge's statute-of-limitations opinions because NJS 2A:14-1's statutory limit does not begin to run until any fraudulence is discovered. (cf. p. 4, Footnote 1 here).

Given that the employer's misrepresentations, concealment of statutory limit, and obstruction of claim were not discovered until 1989-1990, the Hunterdon County Court can be seen in 1992 violating petitioner's right to prosecute a recently-discovered fraudulence:

> [T]he plaintiff['s] . . . claim is time-barred under N.J.S.A. 2A:14-1. [Point 3, Appendix 2C, p. A-11 here]

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - HUNTERDON COUNTY
DOCKET NO. L272-90

JOHN A. LANGDALE,
PLAINTIFF,

-V-

HUNTERDON COUNTY ET ALS.,
DEFENDANTS.

TRANSCRIPT OF
MOTION HEARING

PLACE: Hunterdon County Court
71 Main Street
Flemington, New Jersey 08822

DATE: May 1, 1992

BEFORE:
HON. EDMUND R. BERNHARD, J.S.C.

TRANSCRIPT ORDERED BY:
JOHN A. LANGDALE, PLAINTIFF/PRO SE

APPEARANCES:
JOHN A. LANGDALE, PLAINTIFF/PRO SE

ANTHONY TRACEY, ESQUIRE
On Behalf of Defendant Community Care Association

Proceedings recorded by electronic sound recording, transcript produced by transcription service.

J & J COURT TRANSCRIBERS, INC.
TRANSCRIBER ELAINE HOWELL
116 Youngs Road
Trenton, New Jersey 08619
586-2311 (609) FAX NO. 587-3599

[County Judge E.R. Bernhard, JSC, speaking] November 6, 1988. The fourth report, the date is illegible.

Those reports, at that particular period of time, indicate that plaintiff had an incapacitating illness, whatever that may very well mean. And, I mean no disrespect to any medical condition that Mr. Langdale suffered. But that particular definition does not mean any of the case law criteria for tolling a statute of limitations.

There are no expert reports or certifications that would suggest the plaintiff met the necessary disability provisions that would toll the statute of limitations if, in fact, either the tolling provision was applicable or it should have been lifted.

In other words, there is no competent evidence in the record upon which this court can rely, even if appropriate, to lift the bar of the statute of limitations.

Plaintiff indicates that he recognized there was a fraud being perpetrated upon him in 1981. He indicated that he learned in '79 that there was a two year statute of limitations and recognized the problem in 1981.* I would regard that as the period of time when the fraud cause of action would have occurred. Obviously, this claim would have been barred in 1987, and in any event, by June 28th, 1990, when the complaint was filed, or 1991, when the amended complaint was filed.

Therefore, I find that one, there are not

---

*Petitioner's note: Another error is here. Petitioner learned of the statute of limitations in 1981.